

LaPORTE COUNTY ORDINANCE NUMBER 98- 13

**LaPORTE COUNTY COMMERCIAL AND
INDUSTRIAL DEVELOPMENT CONTROL ORDINANCE**

**IT HAS COME TO THE ATTENTION OF THE
LaPORTE COUNTY BOARD OF COMMISSIONERS THAT:**

WHEREAS, the LaPorte County Plan Commission has adopted an amendment to the Subdivision Control Ordinance to add thereto the Principals of Standard and Design for Commercial and Industrial Developments;

WHEREAS, there has been presented to the LaPorte County Plan Commission several proposed industrial and commercial developments without any current County standards governing these developments;

WHEREAS, there exists the LaPorte County Subdivision Control Ordinance (LaPorte County Code Chapter 8, Title II, Article 4). This Ordinance shall become an addition to the LaPorte County Subdivision Control Ordinance; be known as "LaPorte County Code Chapter 8, Title 11, Article 4A", and establishes standards for the development of commercial and/or industrial developments within LaPorte County;

WHEREAS, the Board of Commissioners of LaPorte County find that there are no standards currently maintained within LaPorte County concerning commercial and industrial development and such standards are necessary and can improve the public, health, safety, convenience and welfare and aid in the future development of LaPorte County;

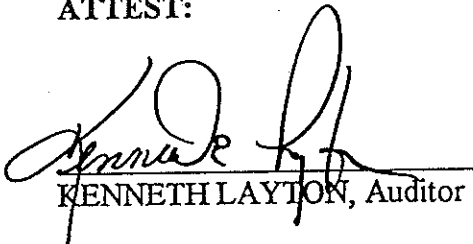
WHEREAS, the Ordinance shall provide standards for the development of commercial and industrial developments; and

WHEREAS, the Board of Commissioners of LaPorte County have the authority under IC 36-7-4-700 to establish standards for the subdivision of land.

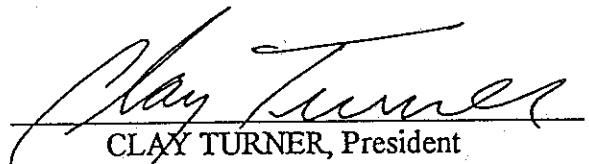
NOW, THEREFORE, BE IT ORDAINED BY THE
BOARD OF COMMISSIONERS OF LaPORTE COUNTY, INDIANA THAT:

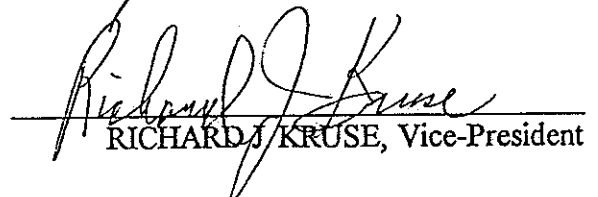
1. The LaPorte County Subdivision Control Ordinance of the LaPorte County Code Chapter 8, Title 11, Article 4 be, and it hereby is, amended by adding thereto as Article 4A the Principals of Standard and Design for Commercial and Industrial Developments attached hereto and made a part hereof.
2. This Ordinance shall be in full force and effect beginning the 4th day of August, 1998, and after its enactment and publication, if any, as prescribed by law.

ATTEST:


KENNETH LAYTON, Auditor

BOARD OF COMMISSIONERS


CLAY TURNER, President


RICHARD J. KRUSE, Vice-President

Dated: August 4, 1998


H.J. "BUD" KINTZELE, Member

LaPorte\Ordinance\Com-Ind.Con\August 4, 1998

TITLE IV-A

PRINCIPALS OF STANDARD AND DESIGN FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

Definitions: Commercial and Industrial Developments

Commercial Development: Any development which consists of more than one retail sales or service.

Industrial Development: Any development which consists of more than one business used for the manufacturing of goods, products or materials.

Section 1: General Standards

The development plan shall conform to the following principles and standards of design in order to qualify for primary approval (IC 36-7-4-702).

Section 2: Principles

A. Streets

1. Where a development abuts an existing county road additional right-of-way along said county road will be deeded to LaPorte County to establish right-of-ways as follows:
 - a. Arterial, one hundred feet (100') right-of-way
 - b. Primary, eighty feet (80') right-of-way
 - c. All other, sixty feet (60') right-of-way
2. Definitions and locations of streets shall conform to the LaPorte County Thoroughfare Plan.
3. If the development is judged to create additional traffic and change the existing road classification, the new classification will govern the amount of right-of-way required.
4. The street layout shall provide access to all lots and parcels of land within the development, and where streets cross other streets, jogs shall not be created.
5. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
6. Each development shall have at least two (2) points of ingress/egress to provide for normal traffic circulation in the vicinity of the development.

7. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed development, the remainder of the street or alley to the prescribed width shall be platted within the proposed development.
8. Street width shall be thirty (30) feet of pavement; cul-de-sac shall have a pavement radii of sixty (60) feet.
9. The minimum right-of-way of streets, marginal access streets of cul-de-sac, shall be sixty feet (60'). All cul-de-sac shall terminate in a circular right-of-way with a minimum diameter of one hundred feet and fifty (150'), or other arrangement for the turning of all vehicles conveniently within the right-of-way.
10. (Intentionally Blank)
11. The center of lines of streets should intersect at right angles.
12. (Intentionally Blank)
13. At intersection of streets the property line comers shall be rounded by arcs with radii of not less than forty-five feet (45') or by chords of such arcs.
14. If the smaller angle of intersection of two (2) streets is less than ninety (90) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Commission.
15. Intersections of more than two (2) streets at one point shall be avoided.
 - a. Minor street centerlines shall be separated by one hundred fifty feet (150').
 - b. Major street centerlines shall be separated by five hundred feet (500').
16. Where parkways or special types of streets are involved, the Commission may apply special standards to be followed in their design.
17. Whenever the proposed development contains or is adjacent to a railroad right-of-way, a street, or a highway designated as a "limited access street or highway" by the appropriate authorities, provision shall be made for a service road at a distance acceptable for the use of the land between the highway or railroad and such streets.
18. Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center lines as follows:
 - a. Primary and secondary streets: Six hundred feet (600')
 - b. Feeder streets and parkways: Three hundred feet (300')

19. Curvature measured along the center line shall have a minimum radius as follows:
 - a. Primary and secondary streets: Eight hundred feet (800')
 - b. Feeder parkways: Three hundred feet (300')
20. Between reversed curves there shall be a tangent of not less than one hundred and twenty-five feet (125').
21. Maximum grades for streets shall be no greater than six percent (6%)
22. The minimum grade of any street gutter shall not be less than three-tenths percent (0.3%)
- B. Blocks
 1. Blocks should not exceed one thousand two hundred fifty feet (1,250) in length.
 2. Blocks shall be of sufficient width to permit two (2) tiers lots of appropriate depth except where an interior street parallels a limited access highway or primary street or a railroad right-of-way.
- C. Lots
 1. All lots shall abut on an interior street or place. Any variance allowing lots to face on existing county or municipal roads, shall follow:
 - a. If new roads are proposed, but to be built in subsequent phases of development, the Commission shall require that a bond be posted by the developer, which shall:
 - 1) Run to the Plan Commission
 - 2) Be in an amount determined by the Commission to be sufficient to guarantee initiation of subsequent interior phases of development within five (5) years from the recording of the initial development.
 - 3) Any bond posted will be forfeited after notice has been given to the developer of failure to comply with the provision of Chapter IV-A, Section 2, Part C-1-a-2, concerning interior development.
 - 4) The developer, upon notification of bond forfeiture, shall have thirty (30) days to show cause to the Plan Commission why such bond should not be forfeited.

5) Any bond forfeited shall be applied to the LaPorte County Unsafe Building Fund.

- b. Require a minimum lot size of thirty-two thousand six hundred seventy (32,670) square feet with a minimum frontage of one hundred seventy feet and six inches (170' 6") along the existing road
2. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.
3. Where double frontage lots are platted along limited access roadways, railroads, etc., planting strips shall be required in the backs of the parcels as laid out in a "Privacy Screen Easement". Privacy Screen Easements shall be a minimum of twenty (20) feet wide, screening shall be a minimum of twelve (12) feet in height.
4. Widths and areas of lots shall be not less than that provided in the LaPorte County Zoning Ordinance for the district in which the development is located.
5. (Intentionally Blank)
6. (Intentionally Blank)
7. Corner lots shall be wider than normal in order to permit appropriate setbacks from both streets.

D. Easements

Easements for utilities shall be provided. Such easements shall have minimum widths of twelve feet (12'), and where located along lot lines, one-half the width shall be taken from each lot. Before determining the location of easements, the plan shall be discussed with the local public utility companies to assure their proper placing for the installation of such services. Where a development is traversed by a watercourse, drainage way, channel, or stream there shall be provided an adequate storm water easement or drainage right-of-way conforming with the natural line of said watercourse.

E. Building Line

Shall be as provided in the Zoning Ordinance, LaPorte County, Indiana.

F. (Intentionally Blank)

Section 3: Standards of Improvements

The improvement of the development shall conform to the following standards:

A. Monuments or Markers

Shall be placed so that the center of the pipe or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.

Monuments or markers shall be set:

1. At the intersection of all lines forming angles in the boundary of the development
2. At the intersection of street property lines
3. At the beginning and ending of all curves along street property lines
4. At all points where lot lines intersect curves, either front or rear
5. At all angles in property lines of lots
6. At all other lot corners not established by a monument

Monuments shall be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of four inches (4") by four inches (4") by thirty inches (30"). They shall be marked on top with an iron or copper dowel set flush with the top of the monument or deeply scored on top with a cross. Markers shall consist of iron pipes or steel bars at least thirty inches (30") long, and not less than one-half inch (1/2") in diameter.

*Special Note: Indiana Statute will apply except where local ordinance, as written, exceeds state statute.

B. Streets

1. Streets shall be completed to grades shown on plans, profiles, and cross-sections, provided by the developer, and prepared by a registered professional engineer or registered land surveyor and approved by the Commission.
2. The streets shall be graded, surfaced, and improved to the dimensions required by such plans, profiles and cross-sections and the work shall be performed in the manner in "Standard Specifications for Road and Bridge Construction and Maintenance" (current issue) of the Indiana Department of Transportation (INDOT). References in the following paragraphs refer to the INDOT Standard Specifications.
3. The street surface shall be a flexible pavement of a width as shown on Plate 1, Minimum Standards for Highways in all Developments as required by the Plan Commission of the County, Indiana, and shall be constructed equal to those standards given below:
 - a. Minimum Design Characteristics of Street Pavements (Table 7)

b. Aggregate Base Specifications (Table 8)

Table 7
Minimum Design Characteristics of Street Pavements***

Pavement Class	Commercial, Industrial Streets	
Flexible**		
Surface, No. 11		1"
Binder, No. 8 or 9		2"
Bass, No. 5		3"
Subbase		
Compacted Aggregate		12"*

Notes:

* Based on the California Bearing Ratio (CBR) of the underlying soil. If the CBR is below three (3), then the soils are unacceptable for road construction.

** Flexible Pavement shall be Asphalt Concrete Type "B", MV as set out in the Indiana Department of Transportation Specifications, latest edition.

***Developer shall submit an AASHTO Pavement design showing the calculated pavement section required. If analysis shows that less than the minimum section is required, the minimum section shall be installed.

Table 8
Aggregate Base Specifications

The gradation for gravel materials used in compacted aggregate base shall conform to #53 of the Indiana State Highway Standard Specification or the following:

Classification of Aggregates						
Classes	A	B	C	D	E	F
Quality Requirements						
Los Angeles Abrasion, Percent, Max. (Note 1)				40.0	40.0	45.0 45.0 50.0 (
Sodium Sulfate Soundness,						

Percent, Max. (Note 2)	12.0	12.0	16.0	16.0	20.0	25.0
Absorption Percent, Max. Aggregate for Bituminous Mixtures (Note 3)	5.0	5.0	5.0	5.0	((
Aggregate for Cement Concrete		5.0	5.0	(((
Additional Requirements						
Deleterious, Percent, Max. Friable Particles	0.2	0.2	0.2	0.2	((
Ocher	1.0	1.0	1.0	1.0	((
Shells	0.7	0.7	1.0	1.0	((
Non-Durable (Note 4)		4.0	4.0	4.0	6.0	(
Sum of the Above	5.0	5.0	6.0	8.0	10.0	(
Coke (See Note 7)						
Iron (See Note 7)						
Chert (Less than 2.45 Bulk Spec. Gravity) Percent, Max. (Note 5)	3.0	5.0	8.0	10.0	((
Weight per Cubic Foot for Slag, Pounds, Min.	75.0	75.0	70.0	70.0	70.0	(
Crushed Aggregate, Percent, Min. (Note 6)						
Mechanical	20.0	20.0	20.0	20.0	((
Total	85.0	85.0	50.0	35.0	((

Notes:

1. Los Angeles abrasion requirements shall not apply to blast furnace slag.
2. Aggregate failing to meet the sodium sulfate soundness requirements may, at the option

of the engineer, be subjected to fifty (50) cycles of freezing and thawing and may be accepted, provided they do not have a loss greater than specified for sodium sulfate soundness.

3. Absorption requirements shall not apply to blast-furnace slag.

When crushed stone course aggregate consists of ledges whose absorptions differ by more than two (2) percentage points, the finished product will be determined on the basis of production samples from the stockpile obtained at the frequency set out in Indiana Test Method No. 203.

4. Non-durable particles as determined by AASHTO T-189 and other particles which are structurally weak, such as soft sandstone shale, limonite concretions, coal weathered schist, or cemented gravel. Determination of non-durable particles shall be made from the weight of material retained on the three-eighth's inch (3/8") sieve. Scratch hardness test shall not apply to crushed stone course aggregate.
5. The bulk specific gravity on chert shall be based on the saturated surface dry condition. The amount of chert (less than 2.45 bulk specific gravity) shall be determined on the total weight of material retained on the three-eighth's inch (3/8") sieve for sizes one (1) through eight (8) inclusive, 53, 58B, 73 and 73B and on the total weight of material retained on No. 4 sieve for sizes nine (9) and eleven (11).
6. The crushed aggregate requirements, unless otherwise specified, will apply only to gravel coarse aggregate used in bituminous mixtures or compacted aggregate base, shoulders, or surface. The crushed aggregate requirements will not apply to size twelve (12) aggregate. Blending of crushed stone with gravel in order to comply with the mechanically crushed requirements will be permitted when approved. Determination of crushed particles shall be made on material retained on the No. 4 sieve.
7. Air-cooled blast-furnace slag course aggregate shall be free of objectionable amounts of cake and/or iron.
8. Coarse aggregate may be accepted or rejected based on previous service records.

4. Prior to placing the street surfaces, adequate subsurface drainage for the street shall be provided by the developer. Subsurface drainage pipe, when required, shall be coated corrugated metal pipe or a similar type not less than twelve inches (12") in diameter approved by the Commission. Upon the completion of the street improvements, plans and profiles as built shall be filed with the Commission.

5. Inspection of the construction of all roads shall be made by at least two (2) of the following people: County Highway Superintendent, County Planner, County Engineer, County

Surveyor, County Building Commissioner, or County Utility Inspector. Inspection shall be made of:

- a. Subbase preparation
- b. Base aggregate placement
- c. Each asphalt course
- d. Curb placement
- e. Sewer pipe placement

Contractor shall notify the County Engineer twenty-four (24) hours prior to each phase of work.

6. Acceptance of the roads and improvements by the Commission requires a letter of recommendation signed by the County Highway Engineer and Building Commissioner and subsequent notification to the Commission that all roads and improvements have been completed in accordance with the requirements of this Ordinance.

C. Sewers

1. The developer shall provide the development with a complete sanitary sewer system which shall connect with an existing approved sanitary sewer outlet.

2. In this area C. Sewers, and the next, D. Water, the phrase "the developer shall provide", shall be interpreted to mean that the developer shall install the facility referred to and that such facilities referred to in these areas shall be installed by the developer of the lots in accordance with regulations.

D. Water

1. The developer shall provide the development with a complete water main supply system which shall be connected to an existing approved municipal or community water supply except that when such municipal or community water supply is not available, the developer shall provide one of the following:

a. A complete community water supply system to be provided in accordance with the minimum requirements of the Indiana State Board of Health.

1. The plans for the installation of a water main supply system shall be provided by the developer and approved by the Indiana State Board of Health. Upon completion of the water supply installation, the plans for such system as built shall be filed with the Commission.

b. An individual water supply on each lot in the development in accordance with minimum requirements of the Indiana State Board of Health.

E. Storm Drainage

The developer shall provide the development with an adequate storm water sewer system whenever curb is installed and whenever the evidence available to the Commission indicates that the natural surface drainage is inadequate.

F. Curb

1. All developers shall provide curb along all roads within a development. This does not apply to county roads previously in existence prior to the development.

2. The curb shall be of the construction type shown in Plate 1 herein, and shall be constructed according to the following specifications:

a. The base for the curb shall be well-compacted on the existing base or grade.

b. The minimum specification shall be shown for the type of cross-section on Plate 1 herein.

c. All concrete used in the curb shall meet the State Highway Specification for Class A concrete.

d. Integral or monolithic curb of the same dimensions as shown in Table 7 may be built on concrete pavements, provided the pavement widths are maintained as required in the Ordinance.

G. (Intentionally Blank)

H. Signs

1. The developer shall provide the development with standard county street signs at the intersection of all streets.

2. Street names shall contain no more than thirteen (13) total characters.

3. The developer shall provide all applicable signs throughout the development for traffic control and safety. These signs shall conform to the latest MUTCD Manual and shall include but not be limited to: Speed Limit, Stop, and Yield Signs.

Step 1: Application

The applicant shall:

- A. Make written application (IC 36-7-4-703)
- B. Pay the required fee (IC 36-7-4-704)

Step 2: Staff and Plat Committee Review

- A. Upon receipt of the application for development approval, the staff and Plat Committee shall:
 - 1. Review application within thirty (30) days for technical conformity and return marked copies to the applicant for correction
- B. Upon receipt of the corrected application for development division approval, the staff shall:
 - 1. Set a date for Public Hearing
 - 2. Notify the applicant in writing (IC 36-7-4-706)
 - 3. Publish notice of the Public Hearing (IC 5-3-1)
 - 4. Require the applicant to notify adjacent property owners (IC 36-7-4-706)
 - 5. Prepare a written recommendation to the Plan Committee

Step 3: Plan Commission, Preliminary Review

Step 4: Plan Commission Action, Primary Approval

- A. If the Plan Commission grants Primary Plat approval, it shall:
 - 1. Make written findings (IC 36-7-4-707-a)
 - 2. Sign the Commission decision (IC 36-7-4-707-a)
 - 3. Set the amount for the appropriate bond and the date for completion of improvements (IC 36-7-4-709)

B. If the Plan Commission disapproves the Primary Plat, it shall:

1. Make written findings (IC 36-7-4-707-a)
2. Sign the Commission decision (IC 36-7-4-707-a)

Step 5: Staff Action, Secondary Approval

A. If the staff determines that:

1. The Secondary Plat contains all information outlined by the Plan Commission during the Public Hearing.
2. The improvements have been installed and/or the proper bonds have been determined and posted with the County Commissioners (IC 36-7-4-709).
3. The Secondary Plat has been signed by the appropriate parties, including the County Commissioners and County Drainage Board, whenever a new public right-of-way is established.

The staff shall then sign the Secondary Plat (IC 36-7-4-710).

Step 6: County Commissioners, Final Approval

A. The County Commissioners shall make final approval if:

1. Seventy percent (70%) of the lots in the development are developed, or the time period for completion of the development, as set by the Plan Commission has expired.
2. The public right-of-way is complete and meets county standards.